

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 27, 1999

DIVISION ONE

B123974 Herman (Certified for Publication)
v.
Los Angeles County Metropolitan Transportation Authority

We reverse the judgment. We remand the case to the trial court and instruct it to reinstate the petition. Herman is entitled to his costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION TWO

B117394 Jackson (Not for Publication)
v.
International House of Pancakes

The judgment is reversed. Respondent to bear costs of appeal.

Nott, Acting P.J.

We concur: Zebrowski, J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B122690 Nichols, et al. (Not for Publication)
 v.
 County of Los Angeles, et al.

The judgments appealed from are affirmed.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

B121725 People (Not for Publication)
 v.
 James B.

The order sustaining the juvenile petition is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B122309 People (Not for Publication)
 v.
 Garza

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b); a \$200 fine pursuant to Penal Code section 1202.45, the fine to be suspended unless appellant's parole is revoked; a criminal laboratory analysis fee of \$100 pursuant to Health and Safety Code section 11372.5; and penalty assessments of \$100 pursuant to Penal Code section 1464 and \$70 pursuant to Government Code section 76000. The abstract of judgment is to be amended to reflect these fines and penalty assessments. In all other respects, the judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B108954 Tchakmakjian (Not for Publication)
v.
Baltakian, et al.

The matter is remanded to the trial court, who is ordered to amend the judgment by deleting the name of the trustee as judgment creditor and substituting the name of appellant. In all other respects, the judgment is affirmed. Costs of appeal shall be borne by appellant.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

DIVISION FOUR

B119986 People (Not for Publication)
v.
Ray

The judgment is modified to reduce the stalking conviction to a conviction for section 166. In all other respects the judgment is affirmed. The case is remanded for the trial court to sentence appellant under section 166.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B121914 People (Not for Publication)
v.
Trad

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B123864 People v. Perry (Not for Publication)

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B119427 Paykar Construction, Inc. (Certified for Publication)
 v.
 Bedrosian, et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B129121 Battista (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Bladel, r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate its order denying Battista's motion to quash and to issue a new order granting the motion. Costs are awarded to real party in interest.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B122230 Cecil C. Laqui Medical (Not for Publication)
 Clinic, Inc., et al.
 v.
 Segumatay, et al.

The judgment is reversed and the matter is remanded to the trial court with instructions to enter a new judgment fully reflecting the terms of the settlement agreement. Each party is to incur its own costs.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

April 27, 1999-Continued

DIVISION FIVE

B122985 People (Not for Publication)
v.
Andrank Karabajakyan

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B124946 People (Not for Publication)
v.
Ignatius Donnell Porchia

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

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The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

April 27, 1999-Continued

DIVISION FIVE (Continued)

B122198 People (Not for Publication)
v.
Michael Thomas

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B127902 People (Not for Publication)
v.
Willie Smith

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B118201 People (Not for Publication)
v.
Robert Esquivel

The judgment is modified to reflect a suspended fine in the sum of \$10,000 pursuant to Penal Code section 1202.45, the fine to become operational if defendant violates parole. The clerk of the superior court is directed upon issuance of the remittitur to prepare a corrected abstract of judgment reflecting the fines pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45 and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B122177 People (Not for Publication)
v.
Gerald Mitchell

The judgment is modified to reflect a \$50 laboratory analysis fee pursuant to Health and Safety Code section 11372.5 and a \$100 drug rehabilitation fee pursuant to Health and Safety Code section 11372.7. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this opinion and is then to forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Godoy Perez, J.

B122004 People (Not for Publication)
v.
Darryl Robinson

The judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

B119345 People (Not for Publication)
v.
Welton Wheeler

The judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B120128 Lawrence I. Bernstein (Not for Publication)
v.
ABC International Traders, Inc.

The judgment is affirmed. Plaintiff, Lawrence I. Bernstein, is to recover his costs on appeal from defendant, ABC International Traders, Inc.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B121439 People (Certified for Partial Publication)
v.
Terry Joe Gour

The judgment is to be modified as follows: the sentence in count 5 for resisting an executive officer in violation of Penal Code section 69 is stayed pursuant to Penal Code section 654, the stay to become permanent upon completion of the sentence in count 1; the one-year enhancement under Penal Code section 667.5, subdivision (b) is stricken; the finding of use of a deadly or dangerous weapon under Penal Code section 12022, subdivision (b) is stricken; good time/work time credits are reduced to 202 days; the sentences in counts 3 and 4 are reduced from 365 days to 180 days; the sentence in either count 3 or 4 is to be ordered stayed pursuant to Penal Code section 654, the stay to become permanent upon completion of the sentence in the alternative count; the trial court is to impose fines of between \$390 and \$1,000 in counts 3 and 4, plus appropriate penalty assessments; and the trial court is to impose a suspended \$200 parole revocation fine pursuant to Penal Code section 1202.45, the fine to become operational if defendant violates parole. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this opinion, including the additional parole revocation fine imposed pursuant to Penal Code section 1202.45. The superior court clerk is then to deliver the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Kriegler, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

April 27, 1999-Continued

DIVISION SIX

B123034 Hisel (Not for Publication)

V.

Hisel

Matter of the Conservatorship of Kenneth Hisel

The judgment is affirmed. Kenneth is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Burke, J. (Assigned)

B124905 Meyer (Not for Publication)

V.

Secured Investment Advisors Inc.

The judgment is reversed. Costs on appeal are awarded to appellant.

Gilbert, Acting P.J.

We concur: Yegan, J.
Burke, J. (Assigned)

B122791 Feller (Not for Publication)

V.

Didio & Toppel

The judgment as to Didio is affirmed. As to Toppel, the judgment is modified to show that he is jointly and severally liable for \$30,000. Feller is awarded interest and costs, plus costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Burke, J. (Assigned)

April 27, 1999-Continued

DIVISION SEVEN

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The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B120569 People (Not for Publication)
v.
Landeros

The judgment is modified to impose a parole revocation fine of \$300, to remain suspended unless and until appellant violates probation. The superior court is directed to correct the abstract of judgment to reflect the fines and deliver the amended abstract of judgment to the Department of Corrections. The judgment is affirmed as modified.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B124235 People v. Wilson (Not for Publication)

The orders under review are affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

April 27, 1999-Continued

DIVISION SEVEN (Continued)

B121504 People v. Humphrey (Not for Publication)

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B119295 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B121203 Yeger (Not for Publication)
v.
Ben Bolla

The November 14 order is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

April 27, 1999-Continued

DIVISION SEVEN (Continued)

B118990 Briggs (Not for Publication)
v.
Williams

The judgment is affirmed. Respondent is awarded costs on appeal.

Woods, Acting P.J.

I concur: Neal, J.

I concur in the judgment only: Lillie, P.J.

B122159 Jones (Certified for Publication)
v.
Adams Financial Services, et al.

The order denying the petition for arbitration is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.